THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.3514 of 1999

Dated: 28.03.2007

Between:

Ch.Murali Krishna S/o Ch.Subrahmanyam

..... PETITIONER

AND

The Principal, A.P.Social Welfare Residential Junior College, Kota, Kota Mandal, Nellore District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.3514 of 1999

ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings, dated 15.02.1999, issued by the first respondent directing the petitioner to produce the latest caste certificate for granting scholarship as arbitrary and illegal.

The case of the petitioner is that he belongs to Samban caste, which is a scheduled caste, and he pursued his studies upto 10th class and was also sanctioned scholarship upto 10th class. Later, he joined Intermediate in the first respondent's college and made a requisition to the first respondent for sanction of scholarship by submitting the relevant documents, including the caste certificate issued by the Revenue Divisional Officer, Nellore, on 14.07.1993. The first respondent, in turn, forwarded his application to the third respondent. However, the third

respondent informed the first respondent that the petitioner shall produce latest caste certificate for sanction of scholarship, and by impugned order dated 15.02.1999, the first respondent directed the petitioner to produce the same. Hence, this writ petition.

A counter is filed on behalf of the first respondent stating that at the time of admission into college, the petitioner requested to accept the old caste certificate and also sought time to produce the latest one, but later submitted an application for grant of scholarship, without furnishing the latest caste certificate. It is also stated that the Assistant Social Welfare Officer, Wakadu, visited the first respondent's college and on verification of records made an objection that the petitioner's application for grant of scholarship shall be pursued only on production of latest caste certificate. Hence, by the impugned proceedings, he was asked to produce the latest caste certificate.

Respondents 2 and 3 also filed a counter affidavit stating that there is a dispute as to whether Samban caste is a scheduled caste or not and as such the petitioner was directed to produce the latest caste certificate from the competent authority. Therefore, there is no illegality or arbitrariness in the action of the respondents.

It is not in dispute that the petitioner produced the caste certificate of the year 1993 issued by the competent authority. So long as the said certificate is not cancelled, it shall hold good and therefore, the respondent authorities shall not insist upon production of latest one. Hence, this Court has no hesitation to hold that the action of the respondents in directing the petitioner to produce the latest caste certificate is arbitrary.

Accordingly, the writ petition is allowed. There shall be no order

as to costs.

28.03.2007

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